UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,362	02/27/2002	Petre Dini	50325-0634	6596

29989   7590   04/28/2005

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER
MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/085,362	DINI, PETRE
	Examiner	Art Unit	
	Glenford Madamba	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>27 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2. Claims 1-16, 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by

Marchand, U.S. Patent 6,714,515.

3. Claim 1 discloses a method for policy-enabled, contract-based management of a

network operational support system [Figure 3], comprising the steps of:

   requesting a policy view from one or more policy management systems that are

   logically separate from the operational support system, wherein the policy view

   comprises a set of required policies (Col 8, lines 10-22; Figure 3);

receiving one or more executable policies from the **22** [Figure 2], policy

management system **21** capable of supporting the required policies of the

requested policy view based on a contract that defines one or more criteria (i.e.,

bandwidth allocation) that the selected executable policies must satisfy (Col 3,

line 60 – Col 4, line 6; Figure 3); and

implementing the requested policy view by executing the selected executable

policies (Col 5, lines 8-17).

Claims 10, 24, and 25 are also rejected using the same reason discussed for Claim 1 as

the claims are differentiated only by their statutory category.

4. Claim 2 asserts the method of claim 1 wherein the operational support system

comprises a set of native policies indigenous to the operational support system, and

further comprising the step of identifying a behavioral exception when none of the native

policies is capable of supporting the requested policy view **42** (Figure 3; Col 7, lines 46-

50).

Marchand, in his invention, discloses a Network Control Point (**NCP**), (hereinafter

referred to as Bandwidth Broker or (BB) that has an internal Simple Policy Services **42**

component (Col 7, lines 45-50). Marchand does not specifically teach that the

Operational Support System (OSS) is comprised by the policies component; however,

as stated in the background for the applicant's invention, it is well known that for

standard policy-based management systems, policy-based management systems are

either embedded into the OSS or can only access one external policy management

system (Page 3, [008]).

Claim 11 is also rejected using the same reason discussed for Claim 2 as the claims are

differentiated only by their statutory category.

5. Claim 3 states the method of claim 2 wherein the requesting step is carried out only

in response to a behavioral exception in the operational support system (Col 2, lines 20-

23; Col 3, line 60 – Col 4, line 6; Col 7, lines 46-50)

Claim 12 is also rejected using the same reason discussed for Claim 3 as the claims are

differentiated only by their statutory category.

6. Claim 4 stipulates the method of claim 1 wherein the requesting step further

comprises the step of inventorying the available policy views of the policy management

system **22** (Figure 2; Col 4, lines 1-30).

Claim 13 is also rejected using the same reason discussed for Claim 4 as the claims are

differentiated only by their statutory category.

7. Claim 5 recites the method of claim 1 wherein the policy management system

comprises an external policy engine, further comprising the step of causing the policy

view to initiate the contract for the selection and importation of the executable policies

from the external policy engine **13** (Figure 1), and **22, 27** (Figure 2; Col 3, lines 45-47;

Col 4, lines 17-30).

Claim 18 is also rejected using the same reason discussed for Claim 5 as the claims are

differentiated only by their statutory category.

8. Claim 6 notes the method of claim 5 wherein the contract comprises one or more

pre-conditions, one or more post-conditions, one or more environmental requirements

and one or more policy dependency rules (Col 2, lines 20-23; Col 2, line 60 – Col 3, line

14; Col 7, lines 56-64; Col 8, lines 10-22).

Claim 19 is also rejected using the same reason discussed for Claim 6 as the claims are

differentiated only by their statutory category.

9. Claim 7 points to the method of claim 6 further comprising the step of causing the

contract to apply the environmental requirements to the selected executable policies to

enable the selected executable policies to run on the operational support system (Col 2,

lines 20-23; Col 2, line 60 – Col 3, line 14; Col 8, lines 10-22).

Claim 20 is also rejected using the same reason discussed for Claim 7 as the claims are differentiated only by their statutory category.

10. Claim 8 references the method of claim 6 further comprising the step of causing the contract to apply the policy dependency rules to two or more of the selected executable policies when the behaviors of the two or more selected executable policies are in conflict with one another (Col 2, 20-25 & line 60 – Col 3, line 14; Col 6, lines 7-15; Col 7, line 55 – Col 8, line 22).

Claim 21 is also rejected using the same reason discussed for Claim 8 as the claims are differentiated only by their statutory category.

11. Claim 9 denotes the method of claim 1 wherein the policy management system comprises a policy export engine, and the receiving step further comprises the step of importing the selected executable policies from the policy export engine 22 (Figure 2; Col 4, lines 1-30 & 58-64).

Claim 22 is also rejected using the same reason discussed for Claim 9 as the claims are differentiated only by their statutory category.

12. Claim 14 asserts the method of claim 10 wherein the policy kernel comprises one or more policy access points 38 (Figure 3), and further comprising the step of enabling

the policy access points to provide an interface between the policy kernel and the policy

management system **21, 39,** or **41** (Figure 3).

13. Claim 15 denotes the method of claim 14 further comprising the step of

inventorying the available policy access points of the policy kernel (Col 7, lines 21-45).

14. Claim 16 states the method of claim 14 wherein the policy access point is

associated with a particular policy management system among a plurality of policy

management systems (Figure 3, Col 7, lines 21-45).

15. Claim 23 discloses a method for policy-enabled, contract-based management of an

operational support system implemented by a policy kernel, wherein the policy kernel

comprises one or more policy access points and each policy access point is associated

with a particular policy management system (Figure 3), the method comprising the

steps of:

inventorying the policy access points of the policy kernel (Col 7, lines 21-45);

inventorying one or more policy views from one or more of the policy management

systems, wherein the policy view comprises a set of required policies (Figure 2; Col 4,

lines 1-30);

requesting one of the policy views from the inventory of policy views (Col 5, lines 22-

25);

enabling the policy access point corresponding to the associated policy management

system capable of supporting the requested policy view (Col 7, lines 21-45);

causing a contract of the requested policy view to be initiated for the selection of

executable policies from an external policy engine of the policy management system

31 & 22 (Figure 2);

causing the contract to apply environmental requirements to the selected executable

policies to enable the selected executable policies to run on the policy kernel (Col 2,

lines 20-23; Col 2, line 60 – Col 3, line 14; Col 8, lines 10-22);

causing the contract to apply dependency rules to two or more of the selected

executable policies when the behaviors of the two or more selected executable

policies are in conflict with one another (Col 2, lines 20-23, 47-55; Col 2, line 60 –

Col 3, line 14; Col 7, line 60 – Col 8, line 22);

importing the selected executable policies from a policy export engine of the policy

management system **22** (Figure 2; Col 4, lines 1-30 & 58-64) ; and

implementing the requested policy view by executing the selected executable policies

(Col 4, lines 61-64 & Col 5, lines 8-22).

16. Claim 26 discloses a system for policy-enabled, contract-based management of

operational support systems, comprising:

a policy kernel for executing policies of a policy view on the operational support system

NCP or BB (Figure 3); and

one or more policy access points **38** that are communicatively coupled to one or more

policy management systems **21, 39,** or **41** (Figure 3)., the policy management system

including one or more executable policies and one or more policy views, the policy

views containing a set of required policies and a contract that defines one or more

criteria that the executable policies must satisfy.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marchand

in view of Schell et al (hereinafter Schell), U.S. Patent 6,314,520.

3. Claim 17 cites the method of claim 14 further comprising the step of disabling the

policy access point to terminate the interface between the policy kernel and the policy

management system.

In his invention, Marchand discloses that the RNS **21** is modified to behave as a policy

server toward the network control point (NCP) or BB. The RNS controls radio resources

and allocates radio resources to users. This is accomplished by adding the RNS to the

policy framework and architecture, adding an interface between the RNS and BB, and

adding functionality in both the BB and RNS to support the new interface (Col 6, lines

16-24). Marchand does not expressly disclose, however, that the interface points can

be disabled to terminate the interface between the policy server interface and a

particular external policy server or system.

In a similar endeavor, Schell, expressly teaches that an network interface card may be

disables to prevent subsequent workstation/server communication, while still allowing

the workstation to operate as a public object (Schell; Col 7, lines 25-28). Thus, it would

be obvious to a person of ordinary skill in the art at the time of the invention to combine

the known features of the network interface card (NIC) described by Schell into

Marchand's invention since the installation of a NIC card in a computing device allows

existing workstations or servers to be coupled to the network and participate as a new

element or member of the architecture (Schell; Col 8, lines 16-23).

Conclusion

1. The Examiner has cited particular columns and line numbers in the references

applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It

is respectfully requested from the applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Stevens et al,   Patent No. 6,539,425
  Policy-Enabled Communications Networks

- Candea et al,   Patent No. 6,785,756
  Methods and Systems for Multi-Policy Resource Scheduling

- Perry et al,   Patent No. 6,804,328
  Intelligent Line Testing

- Saaverda,   Patent No. 6,459,702
  Securing Local Loops for Providing High Bandwidth Connections

- Tabares et al   Patent Publication No. 2003/0088711 A1
  *Methods, Systems, and Computer Program Product for Instantiating a Device
  Driver for Communication with a Device By Dynamically Associating the Device*

Driver at Run-Time with a Device-Specific and/or Service-Specific Software Component

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Glenford Madamba
Examiner
Art Unit 2151